

REMARKS

Claims 1, 4-7, 10-13 and 15-25 are currently pending in this application. Please consider the preceding amendments and the following remarks.

Status of Co-Pending Application

The Examiner requested the status of the related application recited on page 1 of the specification. The related application is U.S.S.N. 08/847,816, filed 4/28/97, now abandoned.

The Rejections

Claims 1 and 3-20 were provisionally rejected under the judicially created doctrine of obvious-type double patenting over copending Application Nos. 08/847,921 and 09/633,497 and were rejected under 35 U.S.C. § 102(e) as being anticipated by Rhie et al, U.S. Patent No. 5,953,392 (hereafter "Rhie")

The provisional rejection of obvious-type double patenting

The claims of copending Application Nos. 08/847,921 and 09/633,497 have, to the knowledge of Applicant, not yet been allowed. Applicant requests the withdrawal of the provisional rejections when Applicant's claims in the present application are found to be otherwise allowable.

The Cited Art

Rhie teaches method for accessing and browsing the Internet through the use of a telephone and the associated DTMF signals. The preferred embodiment provides a system that converts the information content of a web page from text to speech (voice signals), signals the hyperlink selections of a web page in an audio manner, and allows selection of the hyperlinks through the use of DTMF signals generated from a telephone keypad. Upon receiving a DTMF signal corresponding to a hyperlink, the corresponding web page is fetched and again delivered to the user via one of the available delivery methods such as voice, fax-on-demand, electronic mail, or regular mail.

The Cited Art Distinguished

It is noted that Rhie can only be considered prior art under 35 U.S.C. § 102(e). Applicant reserves the right to swear behind Rhie at a future time, but does not believe that it is necessary to do so, as set forth below.

With respect to claim 1, Rhie does not teach a combination including a speech recognition system which is responsive to spoken commands from telephone users. Rhie's only disclosure is that of text-to-speech technology which can read text to a telephone user. There is no disclosure of the ability to recognize speech commands of a telephone user for the purpose, for example, of navigating among web pages.

Applicant respectfully traverses the Examiner's assertion that Rhie teaches speech recognition. The Examiner pointed to column 3, lines 8-60 as indicating that Rhie does teach that functionality. However, a careful reading of this portion of Rhie's disclosure indicates that he is referring to DTMF inputs and text-to-speech outputs of his system. Nowhere does Rhie disclose or suggest the use of voice recognition to aid in the process of web navigation. For at least the foregoing reason, Applicant traverses the Examiner's rejection of claim 1 and claims 4-6 dependent thereupon, and respectfully requests that the rejection be withdrawn.

With regards to claim 7, nowhere does Rhie teach that his system will provide an initial verbal communication to a user including at least providing a plurality of options. That is, Rhie only allows access to the World Wide Web, and does not provide an initial verbal communication allowing access to other systems, such as an e-mail system. In fact, Rhie's only comment concerning e-mail was that it could be used to send a page to a user, upon request. Nowhere does Rhie contemplate that anything other than the World Wide Web could be accessed and navigated by a telephone user. For at least the foregoing reason, Applicant traverses the Examiner's rejection of claim 7 and claims 10-12 dependent thereupon, and respectfully requests that the rejection be withdrawn.

Additionally, with respect to claims 10 and 11, nowhere does Rhie teach that e-mail can be sent to others or received from others via his system. The only other even tangentially related disclosure of Rhie is that e-mail can be used as an alternative form of delivery of web pages to the user's e-mail address. Other alternative forms of

delivery include facsimile transmissions and mailed copies of web pages that are sent to the user. Therefore, the rejections of claims 10 and 11 should be withdrawn for at least this reason, as well.

Still further, with respect to claim 11, nowhere does Rhie teach that a web page can be created via a telephone interface. This astonishingly novel capability of Applicant's claimed invention is not even hinted at anywhere in Rhie's disclosure. Applicant therefore respectfully requests that the rejection of claim 11 be withdrawn for this reason as well.

Claim 13 is also patentable over Rhie for at least the same reasons as set forth above. Nowhere does Rhie teach a means for making initial verbal contacts with a plurality of telephone users after implementing a connection. Furthermore, Rhie does not allow for voice commands, as he does not contemplate speech recognition. Finally, Applicant respectfully points out that claim 13 is in means-plus-function format and, as such, the Examiner must refer to the specification of the application for each means element to determine its structure the equivalents thereof. A sweeping rejection based simply on the functionality of the means elements is improper. For at least these reasons, claim 13 and dependent claims 15-16 are clearly patentable over Rhie, and the Examiner is respectfully requested to withdraw his rejection of these claims.

Furthermore, claim 15 is patentable over Rhie because Rhie does not teach providing a number of options to the user of his system. As noted above with respect to claim 7, Rhie only allows access to the World Wide Web, and does not provide an initial verbal communication allowing access to other systems, such as an e-mail system. Claim 15 is therefore patentable over Rhie for this reason as well, and the rejection of claim 15 should be withdrawn.

Still further, claim 16 is patentable over Rhie because Rhie does not teach that a web page can be created through at telephone interface. This was previously pointed out with respect to claim 11. Applicant therefore respectfully requests that the rejection of claim 16 be withdrawn for this reason as well.

Claim 17 is also patentable over Rhie, in that Rhie does not teach the retrieving of e-mail that was sent over a TCP/IP network and the subsequent reading of the e-mail

to the user utilizing a text-to-speech system. As noted with respect to claims 10 and 11, nowhere does Rhie teach that e-mail can be sent to received from others via his system. The only even tangentially related disclosure of Rhie is that e-mail can be used as an alternative form of delivery of web pages to the user's e-mail address. Other alternative forms of delivery include facsimile transmissions and letters. Therefore, the rejection of claim 17 and claims 18 and 19 dependent thereupon should be withdrawn for at least this reason.

Claim 20 is also patentable over Rhie as set forth above with respect to claim 17. Nowhere does Rhie teach or suggest that e-mail can be retrieved for a user and then read to a user in an automated fashion over the telephone. Furthermore, as with claim 13, this claim 20 is written in means-plus-function format and, as such, the Examiner must refer to the specification of the application for each means element to determine its structure the equivalents thereof. A rejection based simply on the functionality of the means elements is therefore improper. For at least these reasons, the rejection of claim 20 as being anticipated by Rhie is improper and should be withdrawn.

New Claims Distinguished from Rhie

Claims 21-25 have been added by this amendment. Claim 21 is dependent upon claim 1 and specifies that the user can interact with a selected web page by at least one of DTMF and voice recognition. Claim 22 is dependent upon claim 22 and specifies that the interaction includes the entry of data into the data field of the selected web page. Claim 23 is dependent upon claim 7 and specifies that at least one of DTMF and voice recognition is used to allow user interaction with the selected web page. Claim 24 is dependent upon claim 23, and indicates that the interaction is the entry of data into a data field of the web page. Claim 25 is dependent upon claim 17 and adds that a new e-mail message can be entered via at least one of voice recognition and DTMF signal, and that the new e-mail message can be sent to the recipient via the TCP/IP network. No new subject matter has been added by these claims.

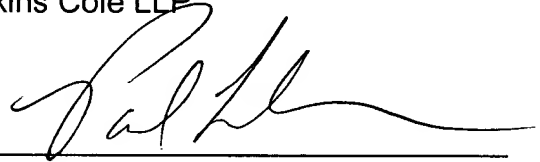
Each of claims 21-25 depend directly or indirectly upon an allowable claim, and are therefore allowable for at least the reasons set forth previously. In addition, each of claims 21-25 allows for the interaction of a user with a web page or e-mail. Rhie does not teach or suggest that, for example, a user can interact with a web page or e-mail via

a telephone interface. Rhie simply allows a user to enter a URL of a web page as a starting point, and then to jump to other web pages via hyperlinks. Therefore, Rhie's system is a passive one which only allows web pages to be "viewed", i.e. read to the user, but does not allow the user to interact with the web page to, for example, enter data into a data field of the web page. In consequence, Rhie's system could not be used for even such a basic task as running an Internet search from a search engine website, such as Google®, since there is no provision or contemplation that a search data could be entered into a data field. Similarly, Rhie does not contemplate using a telephone interface for the purpose of e-mail receipt and/or transmittal.

Conclusion

All claims being patentable, the Examiner is requested to withdraw all rejections of the claims and to allow the case to issue. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4443.

Respectfully submitted,
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